

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

LAVONDA BROWN,)	
)	
Plaintiff,)	
v.)	
)	No. 07-0862-CV-W-FJG
PAINTERS DISTRICT COUNCIL #3,)	
LOCAL 861, et al.,)	
)	
Defendants.)	

ORDER

Pending before the Court is Plaintiff LaVonda Brown's Motion for Leave to Proceed In Forma Pauperis (Doc. No. 1). Together with said motion are plaintiff's affidavit of financial status and plaintiff's proposed complaint (Exhibits to Doc. No. 1).

Pursuant to 28 U.S.C. § 1915, this Court may authorize the commencement or prosecution of any suit without prepayment of fees when an applicant files an affidavit stating that he is unable to pay the costs of the lawsuit, and the Court determines that the lawsuit is not frivolous or malicious.

The Court must exercise its discretion in determining whether an applicant is sufficiently impoverished to qualify under § 1915. Cross v. Gen. Motors Corp., 721 F.2d 1152, 1157 (8th Cir. 1983). Such showing of poverty is sufficient if the applicant would become completely destitute or be forced to give up the basic necessities of life if required to pay the costs of the lawsuit. Adkins v. E.I. Du Pont De Nemours & Co., 335 U.S. 331, 339 (1948); Local Rule 83.7(a) (1999).

Plaintiff's Affidavit reveals that she is married, with one dependent. Plaintiff states in her affidavit that she is not currently employed and indicates no past employment. Further, plaintiff indicates that her husband is not currently employed. Plaintiff does not own any real property. Plaintiff owns a 1984 Ford F-150 and a 1983 Olds Regency 98, and

indicates that the present value of these vehicles is \$500 while the amount owed on the vehicles is \$965.

Plaintiff indicates that she has no cash on hand including checking and savings accounts, and indicates no bank accounts. In the past twelve months, plaintiff indicates that she has welfare payments in the amount of \$234 monthly, and \$109 per month in utility assistance from Section 8. Plaintiff reports her monthly rental payment of \$547 is paid by Section 8, and that she has utility bills of \$100 for gas, \$50 for electric, \$35 for water, and \$50 for telephone. Plaintiff indicates her groceries are paid for with food stamps.

Based upon the information provided in plaintiff's affidavit, the Court believes that plaintiff is sufficiently impoverished to be permitted to proceed in forma pauperis. Therefore, the Court will grant plaintiff's application for leave to file this civil action in forma pauperis. Additionally, the Court finds that Plaintiff's complaint is not barred by 28 U.S.C. § 1915(e)(2)(B). The complaint does not appear to be frivolous, nor does it appear to state a claim on which relief cannot be granted or seek monetary relief against a defendant who is immune from such relief. Therefore, plaintiff's motion for leave to proceed in forma pauperis (Doc. No. 1) is **GRANTED**.

For the foregoing reasons, it is hereby **ORDERED** that:

1. Plaintiff's Motion to Proceed In Forma Pauperis (Doc. No. 1) is **GRANTED**;
2. Because this case is included in the Case Management/Electronic Case Filing (CM/ECF) system, and plaintiff is proceeding pro se, the Clerk's office is responsible for electronically filing the complaint as of the date of this order;
3. The Clerk of Court shall forward appropriate process forms to plaintiff;
4. Within twenty days, plaintiff shall return the completed summons and service forms to the Clerk's office showing the address where defendants may be served;
5. The Clerk of the Court is directed to issue summons and process and deliver same to the United States Marshal for service upon the defendants, pursuant to Rule 4 of

the Federal Rules of Civil Procedure.

IT IS FURTHER ORDERED that the Clerk of the Court send a copy of this order via regular and certified mail to plaintiff at the following address:

LaVonda Brown
3006 Brooklyn Ave.
Kansas City, Missouri 64109

IT IS SO ORDERED.

Date: 11/19/07
Kansas City, Missouri

S/ FERNANDO J. GAITAN, JR.
Fernando J. Gaitan, Jr.
Chief United States District Judge